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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION/ OAKLAND DIVISION

JASMEN HOLLOWAY, AMY GARCIA,
CHERYL CHAPPEL, ERIC
BLACKSHER, JESSICA TREAS,
LAWRENCE SANTIAGO, JR.,
MUEMBO MUANZA, MAURICE
CALHOUN, NICHOLAS DIXON and
SUSAN MYERS-SNYDER, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

BEST BUY CO., INC., BEST BUY
STORES L.P.

Defendant.

Case No. C 05-05056 PJH (MEJ)

**STIPULATION AND [PROPOSED]
ORDER EXTENDING CERTAIN DATES**

1 WHEREAS, at the status conference for this case held on April 13, 2006, this Court set
2 certain dates and deadlines;

3 WHEREAS, the parties continued certain of those dates by stipulation and order on
4 October 17, 2006;

5 WHEREAS, a status conference in this case is currently set for May 31, 2007;

6 WHEREAS, given the nature of the claims, the size and complexity of the case, and the
7 volume of discovery completed and remaining, the parties agree that it is necessary to extend
8 these dates by a short amount;

9 WHEREAS, the parties informed the Court at the case management conference and in
10 their joint case management conference statement that the deadlines set by the Court with respect
11 to class certification and other matters may have to be continued depending upon the scope of
12 discovery and the fact that a large number of responsive documents are held by third parties to
13 whom Best Buy has outsourced some of its Human Resources and Information Systems
14 functions;

15 WHEREAS, Plaintiffs served their First Request for Production of Documents on March
16 23, 2006 and Best Buy, after receiving an extension of time, timely responded on May 25, 2006;

17 WHEREAS, Plaintiffs have continued to serve additional requests for production,
18 including a Fourth Request for Production served on September 13, 2006;

19 WHEREAS, the nature of the Requests for Production require Best Buy to gather hard
20 copy documents, electronic documents and e-mails from approximately 750 stores, 70 districts, 8
21 territories/regions and the corporate headquarters dating from January 1, 2001 forward;

22 WHEREAS, Best Buy has restored 44 backup tapes of electronic information that
23 comprises over 75 gigabytes of materials. Due to the volume of these materials, Best Buy
24 proposed using a keyword search method to separate relevant from irrelevant documents. In
25 March 2007, the parties agreed upon a keyword list that encompasses almost 400 words or
26 phrases, subject to cross-checking a sample of documents that are not called up on the keyword
27 search, and subject to further keyword searches if plaintiffs deem necessary. Best Buy also
28 searched store level electronic information comprising over 50 million files. Again, due to the

1 volume of the material and Best Buy's belief that much of this material may be irrelevant, the
2 parties engaged in discussions as to its handling. The parties agreed to a review of a random
3 sample of 25 stores, plus the stores of the Named Plaintiffs. Plaintiffs' counsel now needs to
4 review this information, so that the parties can agree upon a procedure for the production of the
5 electronic store level documents. Finally, Best Buy is in the process of completing its imaging of
6 hard drives for approximately 280 custodians who may have responsive documents;

7 WHEREAS, in conjunction with the production, Best Buy has already produced
8 electronic personnel data for approximately 470,000 current and former Best Buy employees;
9 applicant data from Unicru for over 3,500,000 applicants; and applicant data from Spherion for
10 over 500,000 applicants. In addition, Best Buy has reviewed over ten million pages of hard copy
11 and electronic documents and produced approximately two million pages, and continues a weekly
12 production of approximately 200,000 pages. However, due to the large volume of documents
13 requested by Plaintiffs and maintained by Best Buy, Best Buy has not yet completed production
14 of documents responsive to Plaintiffs' Requests.

15 WHEREAS, both parties are diligently conducting as much discovery as possible,
16 including (1) Best Buy has propounded, and each Plaintiff has responded to, one set of Requests
17 for Production and two sets of Interrogatories; (2) Best Buy has deposed the Named Plaintiffs and
18 is in the process of taking the depositions of the witnesses listed in Plaintiffs' Rule 26 disclosures;
19 (3) Plaintiffs have served a deposition notice for Best Buy in 27 separate areas pursuant to Rule
20 30(b)(6); and (4) Plaintiffs have deposed 6 corporate representatives and another 9 are confirmed
21 for the month of May;

22 WHEREAS, the parties have agreed that certain dates, regarding document production
23 and adding new claims, should be continued in a manner consistent with this Court's original
24 scheduling order in order to allow the parties to complete necessary discovery;

25 WHEREAS, the parties will engage in mediation per the Court's Order on June 20-21,
26 2007;

27 WHEREAS, the parties believe that the Case Management Conference, currently set for
28 May 31, 2007, would be more productive if held following the mediation;

1 WHEREAS, the parties will endeavor to adhere to the remainder of the current scheduling
 2 order regarding completion of 30(6)(b) depositions, the designation and discovery of experts, and
 3 the briefing and hearing on class certification, but may need to request a continuation of these
 4 dates as well if the volume of documents and/or witness schedules do not permit completion of
 5 the 30(6)(b) depositions by August, 2007.

6 THEREFORE, the parties hereby stipulate and agree, and request that the Court order,
 7 that the following dates should govern the further conduct of this action:

8 1. Best Buy shall continue its rolling production of documents responsive to
 9 Plaintiffs' First and Fourth Sets of Requests for Production of Documents (and any subsequent
 10 document requests).

11 2. Best Buys' document production shall be substantially complete by June 30, 2007.

12 3. The parties shall engage in private ADR on June 20-21, 2007, and shall file a
 13 status statement re outcome of private ADR by August 2007.

14 4. A Case Management Conference shall be held on July ²⁶~~12~~, 2007 at 2:30.

15 5. Best Buy shall make witnesses available for 30(b)(6) depositions on a rolling basis
 16 as soon as is practicable after relevant documents have been produced, and in any event no later
 17 than August, 2007.

18 6. Plaintiffs shall file any motion seeking leave to amend the complaint for any
 19 reason other than the addition of new named plaintiffs no later than August 13, 2007, unless Best
 20 Buy stipulates to a later amendment, or the Court grants leave for a later amendment.

21 7. The following dates shall remain unchanged from the dates set forth in the October
 22 17, 2006 Stipulation and Order:

23 8. Plaintiffs' Expert Designations and Reports shall be due on October 1, 2007.

24 9. Defendants' Expert Designations and Reports shall be due on December 3, 2008.

25 10. Plaintiffs' Rebuttal Expert Reports shall be due on January 14, 2008.

26 11. Defendants' Rebuttal Expert Reports shall be due on February 15; 2008.

27 12. Plaintiffs' Motion for class certification shall be filed on March 12, 2008.

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13. Defendants' Opposition to Plaintiffs' Motion for Class Certification shall be filed by May 7, 2008.

14. Plaintiffs' Reply Brief In Support Of Class Certification shall be filed by June 4, 2008.

15. The hearing on Plaintiffs' Motion for Class Certification will be held on June 25, 2008, or at the Court's convenience.

The parties hereby stipulate, and request that the Court so order.

DATED: April 30, 2007

ALTSHULER BERZON LLP

By: /s/ Eve H. Cervantez
Eve H. Cervantez

Attorneys For Plaintiffs

DATED: April 30, 2007

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By: /s/ Roman M. Silberfeld
Roman M. Silberfeld

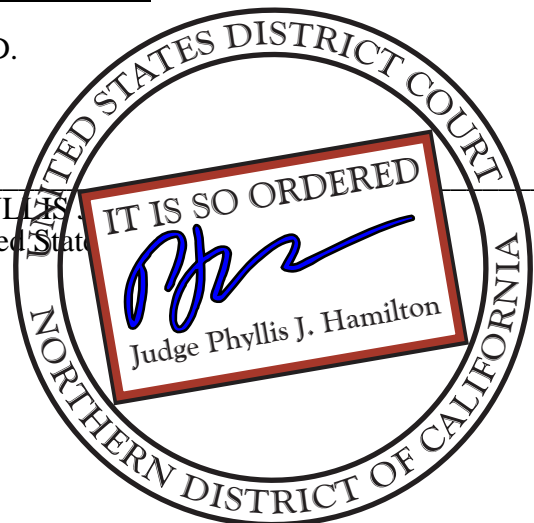
Attorneys for Defendant, BEST BUY STORES,
L.P. (erroneously sued as BEST BUY CO., INC.)

[PROPOSED] ORDER

Pursuant to Stipulation, it is so ORDERED.

DATED: 5/14/07

PHYLIS J. HAMILTON
United States District Court



ATTESTATION

I hereby certify that for all conformed signatures indicated by a /s/ I have holographic signatures on file.

DATED: April 30, 2007

By: /s/ David Martinez
David Martinez

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